

REMARKS

In an Office Action dated May 8, 2008, a final rejection, the Examiner rejected claims 1, 13 and 21 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant is amending these claims to overcome the grounds for these rejections.

The Examiner rejected claims 1, 6-7, 9-10, 13 and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication US2003/0091170 A1 (McCann) in view of U.S. Patent 7,116,972 B1 (Zhang); rejected claims 2-3 and 14-15 under 35 U.S.C. 103(a) as being unpatentable over McCann in view of Zhang and U.S. Patent 6,975,876 B1 (Cast); rejected claims 4-5 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over McCann in view of Zhang and U.S. Patent Publication US2002/0168978 A1 (Molnar); rejected claims 8 and 18 under 35 U.S.C. 103(a) as being unpatentable over McCann in view of Zhang and U.S. Patent 6,819,932 B2 (Allison); and rejected claims 11 and 19-20 under 35 U.S.C. 103(a) as being unpatentable over McCann in view of Zhang and U.S. Patent Publication US2005/0020289 A1 (Kim).

Responsive to the grounds for this rejection, Applicant is amending the three independent claims, 1, 13, and 21, to make it clear that the terminating screening is performed in the SMS or MMS center for serving the called party. This is in contrast to the cited teachings of Zhang which disclose a system in which the terminating screening is performed in the customer terminal of the terminating party. The advantage of Applicant's arrangement is that the screening process can be more uniformly controlled and that, for cases in which screening is to be global for certain types of calls, it can be implemented in a terminating switch without forcing all terminating stations to have the appropriate screening information initialized.

Applicant respectfully submits that even the original version of claims 1, 13 and 21 did imply that terminating screening is performed in a network switch (the SMS or MMS center for serving the called party) by stating "determining in a SMS or MMS center for serving a called party of said call", but this statement was apparently not sufficiently definite in the Examiner's opinion to rule out the possibility of performing the terminating screening in the terminating station.

In view of the fact that the identity of the unit performing the terminating screening function is fundamental to the operation of Applicant's invention and is not taught by McCann or Zhang, Applicant respectfully submits that the subject matter of claim 1 as amended should be held allowable over the cited prior art. For similar reasons, the subject matter of claims 13 and 21, as amended, should also be held allowable over the cited prior art. Claims 2-11 and 14-20 should be held allowable as being dependent from an allowable independent claim.

Accordingly, Applicant respectfully requests that the Examiner reconsider the grounds for rejecting claims 1-11, 12 and 14-20, allow these claims as amended, and pass the application to issue.

If the Examiner feels that a voice or fax contact would help to advance the prosecution of this application, he is invited to contact Applicant's attorney at telephone number 630 469-3575.

Respectfully submitted

Y. Cai



by Werner Ulrich
Attorney for Applicant
Reg. No. 30810

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